

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

MORGAN BURTON, JR., #185 425,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 3:18-CV-93-WHA
	)	[WO]
WARDEN JOHN CROW, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**OPINION and ORDER**

Before the court is the Recommendation of the Magistrate Judge entered July 16, 2018. Doc. 13. There being no timely objection filed to the Recommendation, and based on an independent and *de novo* review of the record, the Recommendation of the Magistrate Judge (Doc. 13) is ADOPTED and it is ORDERED as follows:

1. Plaintiff's claims challenging events which occurred on or before October 24, 2012, are DISMISSED with prejudice under 28 U.S.C. § 1915(e)(2)(B)(i) as Plaintiff failed to file the complaint regarding these allegations within the time prescribed by the statute of limitations.

2. Plaintiff's challenge to the constitutionality of his 2012 conviction and/or sentence imposed upon him by the Circuit Court for Lee County, Alabama, are DISMISSED without prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii) as such claims are not properly before the court at this time.

3. This case is DISMISSED prior to service of process under 28 U.S.C. § 1915(e)(2)(B)(i)-(ii).

An appropriate Final Judgment will be entered.

Done, this 30<sup>th</sup> day of August 2018.

/s/ W. Harold Albritton  
SENIOR UNITED STATES DISTRICT JUDGE